

City Council Introduction: **Monday**, June 7, 2004
Public Hearing: **Monday**, June 14, 2004, at **1:30 p.m.**

Bill No. 04-113

FACTSHEET

TITLE: **ANNEXATION NO. 04006**, requested by Associated Engineering & Surveying on behalf of Ron Tonniges, to annex approximately 3.979 acres, more or less, generally located at South 84th Street and Norval Road.

STAFF RECOMMENDATION: Approval, subject to an Annexation Agreement

ASSOCIATED REQUESTS: Annexation Agreement (04R-142) and Change of Zone No. 04010 (04-114).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/12/04
Administrative Action: 05/12/04

RECOMMENDATION: Approval, subject to an Annexation Agreement (9-0: Krieser, Pearson, Carlson, Sunderman, Carroll, Taylor, Larson, Marvin and Bills-Strand voting 'yes').

FINDINGS OF FACT:

1. This annexation request and the associated change of zone and Brandt Heights 1st Addition preliminary plat were heard at the same time before the Planning Commission.
2. The staff recommendation of approval, subject to an annexation agreement, is based upon the "Analysis" as set forth on p.4, concluding that the annexation and change of zone request are in general conformance with the Comprehensive Plan.
3. The applicant's testimony is found on p.6.
4. There was no testimony in opposition.
5. On May 12, 2004, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval, subject to an Annexation Agreement.
6. On May 12, 2004, the Planning Commission also recommended approval of the associated change of zone request and adopted Resolution No. PC-00864, approving the associated Brandt Heights 1st Addition preliminary plat.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: June 1, 2004

REVIEWED BY: _____

DATE: June 1, 2004

REFERENCE NUMBER: FS\CC\2004\ANNEX.04006

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for May 12, 2004 PLANNING COMMISSION MEETING

P.A.S.: Change of Zone #04010
Annexation #04006

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items.

PROPOSAL: From AG, Agriculture to R-1 Residential

LOCATION: S. 84th St. & Norval Rd.

LAND AREA: Change of Zone—4.479 acres, more or less
Annexation—3.979 acres, more or less.

CONCLUSION: The change of zone and annexation is in general conformance with the Comprehensive Plan

<u>RECOMMENDATION:</u>	Change of Zone <u>Annexation</u>	Approval <u>Approval</u>
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

Change of Zone: Outlot A & B, Brandt Heights Addition Replat and a portion of Lot 2, Brandt Estates, located in the NW 1/4 of Section 35, Township 10 North, Range 7 East, Lancaster County, Nebraska.

Annexation: A portion of Lot 2, Brandt Estates, located in the NW 1/4 of Section 35, Township 10 North, Range 7 East, Lancaster County, Nebraska.

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: Undeveloped

SURROUNDING LAND USE AND ZONING:

North:	AG-Agriculture	Single family houses and open space
South:	AG-Agriculture	Undeveloped, proposed tennis center
East:	AG-Agriculture	Agriculture
West:	R-1-Residential	Single family houses and church

ASSOCIATED APPLICATIONS: Preliminary Plat #04006

COMPREHENSIVE PLAN SPECIFICATIONS:

Maximize the community's present infrastructure investment by planning for residential and commercial development in areas with available capacity. This can be accomplished in many ways including encouraging appropriate new development on unused land in older neighborhoods and encouraging a greater amount of commercial space per acre and more dwelling units per acre in new neighborhoods." (F-17)

Encourage different housing types and choices, including affordable housing, throughout each neighborhood for an increasingly diverse population. (F-18)

Interconnected networks of streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, conserve energy and for the convenience of the residents. (F-18)

The Land Use Plan identifies this area as urban residential. (F-25)

Tier 1 reflects the "Future Service Limit" where urban services and inclusion in the city limits are anticipated by 2025. Infrastructure planning, especially for water and sanitary sewer facilities can reach beyond the 25 year time horizon to 50 years and further. (F-28)

Guiding principles for new neighborhoods includes:

1. Similar housing types face each other: single family faces single family, change to different use at rear of lot;
2. Parks and open space within walking distance to a II residences;
3. Pedestrian orientation; shorter block lengths, sidewalks on both sides of all roads (F-67)

Continue the City's growth policy of contiguous urban growth. Urban development will occur in areas immediately abutting the city that reflect a logical and timely extension of urban infrastructure. (F 75)

HISTORY:

May 19, 2003 Special Permit 1998, for a tennis center, was approved by City Council.

April 1, 1991 Change of Zone #2622 to change the zoning from AG Agriculture to R-1 Residential on property east of S. 84th St., north of South St. and east of the church was approved by City Council.

May 22, 1991 Brandt Estates Administrative Final Plat was approved by the Planning Director.

December 11, 1978 Echo Hills First Addition Final Plat was approved by City Council.

August 14, 1978 Echo Hills First Addition Preliminary Plat was approved by City Council.

May 17, 1976 Brandt Heights Replat Final Plat was approved by City Council.

November 24, 1975 Brandt Heights Final Plat was approved by City Council.

October 27, 1975 Brandt Heights Preliminary plat was approved by City Council.

November 27, 1967 Echo Hills Final Plat was approved by City Council.

August 28, 1967 Echo Hills Preliminary Plat was approved by City Council.

UTILITIES: Utilities are available to serve this area.

TOPOGRAPHY: The area slopes from west to east.

TRAFFIC ANALYSIS: Pinedale Ct. and Norval Rd. are local streets.
South St. is a county road that has not been constructed.

PUBLIC SERVICE: The nearest fire station is located at 2201 S. 84th St.
The nearest elementary school is Pyrtle, located at 721 Cottonwood Dr.

ANALYSIS:

1. This request is for a change of zone from agriculture to residential in order to develop 11 residential lots. It is associated with Brandt Heights 1st Addition preliminary plat.
2. This area is contiguous to the city limits and can be served with public water and sanitary sewer however, the public sanitary sewer is very shallow. Therefore, the houses will most likely require sewage ejector pumps to reach the public sewer.
3. This area is designated as urban residential on the Land Use Plan in the 20205 Comprehensive Plan. The area is inside the future service limits.
4. This zoning is an expansion of contiguous existing R-1 zoning.
5. This area is designated as Tier 1, Priority B in the 2025 Comprehensive Plan. Priority B is anticipated to receive utilities from 12 to 25 years after the adoption of the Comprehensive Plan. Although Priority B is not expected to receive services for some time, the area within this change of zone can be served with existing utilities.

Prepared by:

Tom Cajka
441-5662
tcajka@ci.lincoln.ne.us
Planner

DATE: April 28, 2004

APPLICANT: Ron Tonniges
4620 Pioneer Green Ct.
Lincoln, NE 68526
(402) 432-1207

OWNER: same as applicant

CONTACT: Paula Dicero
Associated Engineering & Surveying
1232 High St. Suite 3
Lincoln, NE 68502
(402) 441-5790

**ANNEXATION NO. 04006,
CHANGE OF ZONE NO. 04010,
and
PRELIMINARY PLAT NO. 04006,
BRANDT HEIGHTS 1ST ADDITION**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 12, 2004

Members present: Krieser, Pearson, Carlson, Sunderman, Carroll, Taylor, Larson, Marvin and Bills-Strand.

Staff Recommendation: Approval of the annexation and change of zone, and conditional approval of the preliminary plat.

Ex Parte Communications: None.

Proponents

1. **Paula Dicero** appeared on behalf of **Associated Engineering and Ron Tonniges**, who is proposing this development east of 84th Street adjacent to South Street for 11 single family homes and 1 outlot. The developer is requesting that the outlot remain agricultural and outside of the city limits. Dicero agreed with the staff recommendation and conditions of approval. They will be required to come up with a proposed future concept plan and she will be working with the Planning Department on that issue. The developer has no intent to develop that property at this time and does wish to have it remain outside the city limits and as agricultural zoning.

There was no testimony in opposition.

Staff questions

Carlson clarified that the outlot is not proposed for annexation. Tom Cajka of Planning staff concurred. They are leaving the outlot of 20 acres zoned AG and outside the city limits.

ANNEXATION NO. 04006

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 12, 2004

Pearson moved approval, seconded by Carlson and carried 9-0: Krieser, Pearson, Carlson, Sunderman, Carroll, Taylor, Larson, Marvin and Bills-Strand voting 'yes'. This is a recommendation to the City Council.

CHANGE OF ZONE NO. 04010

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 12, 2004

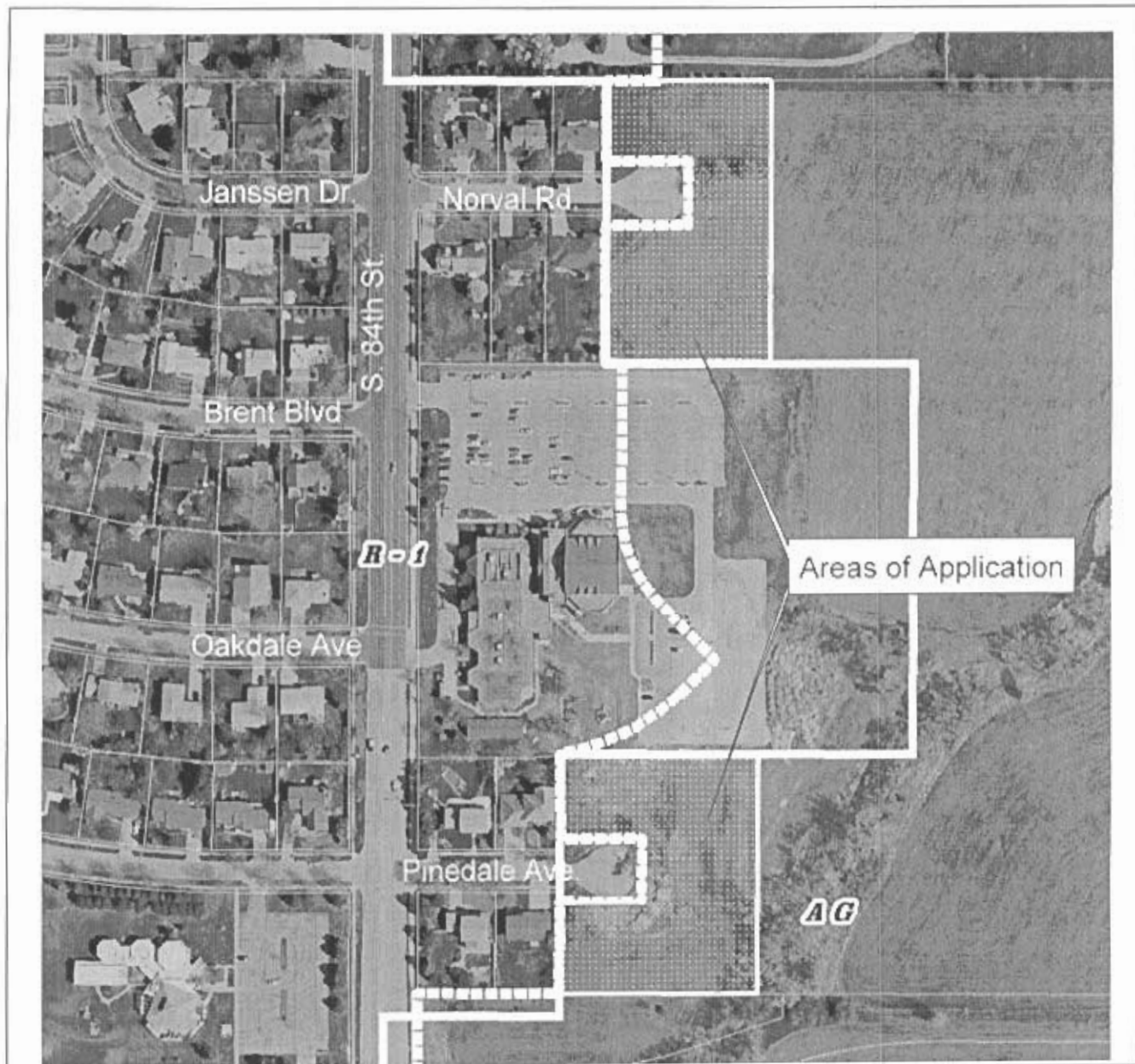
Pearson moved approval, seconded by Carlson and carried 9-0: Krieser, Pearson, Carlson, Sunderman, Carroll, Taylor, Larson, Marvin and Bills-Strand voting 'yes'. This is a recommendation to the City Council.

PRELIMINARY PLAT NO. 04006

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

May 12, 2004

Carlson moved approval of the staff recommendation of conditional approval, seconded by Carroll and carried 9-0: Krieser, Pearson, Carlson, Sunderman, Carroll, Taylor, Larson, Marvin and Bills-Strand voting 'yes'. This is final action, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.



2002 aerial

Annexation #04006 S. 84th & South St.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 35 T10N R7E



City Limits Jurisdiction



LOT 46 I. T.

BRANDT HTS.

1 2 3

PARCEL

NORVAL RD.

OUTLOT A

1 2 3

ADD. REPLAT

C

AREA OF
ANNEXATION

BRANDT

1

ESTATES

SCALE: N.T.S.

BRANDT HTS.

1 2 3

ADD. REPLAT

PARCEL

PINEDALE AVE.

OUTLOT B

LOT 41

LOT 31

I. T.

I. T.

D

REM. PORT LOT 2
20.005 AC.
ZONED AG

REMAINING PORTION

PART OF
LOT 26 I. T.

SOUTH STREET

LEGAL DESCRIPTION

A PORTION OF LOT 2, BRANDT ESTATES, LOCATED IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 10 NORTH, RANGE 7 EAST OF THE PRINCIPAL MERIDIAN, LINCOLN, LANCASTER COUNTY, NEBRASKA AND MORE FULLY DESCRIBED AS FOLLOWS:

PARCEL C:

REFERRING TO THE NORTHEAST CORNER OF LOT 3, BLOCK 1, BRANDT HEIGHTS ADDITION REPLAT, SAID POINT BEING THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF S89°24'34"E, 241.93 FEET; THENCE S00°08'51"W, 395.37 FEET; THENCE N89°50'50"W, 242.26 FEET; THENCE N00°11'10"E, 195.2' platted; THENCE S89°51'09"W, 121.00 FEET; THENCE N00°12'37"E, 90.00 FEET; THENCE N89°51'09"W, 121.00 FEET; THENCE N00°11'55"E, 112.24 FEET (112.25' platted) TO THE POINT OF BEGINNING AND CONTAINING 1.953 ACRES MORE OR LESS.

PARCEL D:

REFERRING TO THE SOUTHEAST CORNER OF LOT 31 I.T., SAID POINT BEING THE POINT OF BEGINNING; THENCE ON AN ASSUMED BEARING OF N00°05'48"E, 130.17 FEET (130.2' platted); THENCE S89°45'37"E, 121.00 FEET; THENCE N00°23'36"E, 90.00 FEET; THENCE N89°45'37"W, 121.00 FEET; THENCE N00°02'14"E, 120.51 FEET (120.7' platted); THENCE S89°56'39"E, 289.99 FEET; THENCE S00°11'43"W, 343.44 FEET; THENCE N89°23'52"W, 289.75 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.026 ACRES MORE OR LESS.

SHEET NO.

2 of 2

NO. DATE REVISION

PROJ. NO.
03-001 / 18738
DATE: 03-21-2004
DESIGN BY: PFD
DRAWN BY: PFD
CHECKED BY: PFD

BRANDT HEIGHTS FIRST ADDITION

ANNEXATION EXHIBIT

LINCOLN, NEBRASKA

**ASSOCIATED ENGINEERING
AND SURVEYING**
1232 High Street, Suite 3
Lincoln, NE 68502
Phone: 402.441.5790
Fax: 402.441.5791

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